

BOIES SCHILLER FLEXNER LLP

David Boies (admitted pro hac vice)
 333 Main Street
 Armonk, NY 10504
 Tel: (914) 749-8200
 dboies@bsflfp.com

Mark C. Mao, CA Bar No. 236165
 Beko Reblitz-Richardson, CA Bar No.
 238027
 44 Montgomery St., 41st Floor
 San Francisco, CA 94104
 Tel.: (415) 293-6800
 mmao@bsflfp.com
 brichardson@bsflfp.com

James Lee (admitted pro hac vice)
 Rossana Baeza (admitted pro hac vice)
 100 SE 2nd St., 28th Floor
 Miami, FL 33131
 Tel.: (305) 539-8400
 jlee@bsflfp.com
 rbaeza@bsflfp.com

Alison L. Anderson, CA Bar No. 275334
 M. Logan Wright, CA Bar No. 349004
 2029 Century Park East, Suite 1520
 Los Angeles, CA 90067
 Tel.: (213) 629-9040
 alanderson@bsflfp.com
 mwright@bsflfp.com

Attorneys for Plaintiffs

SUSMAN GODFREY L.L.P.

Bill Carmody (admitted pro hac vice)
 Shawn J. Rabin (admitted pro hac vice)
 Steven M. Shepard (admitted pro hac vice)
 Alexander Frawley (admitted pro hac vice)
 One Manhattan West, 50th Floor
 New York, NY 10001
 Tel.: (212) 336-8330
 bcarmody@susmangodfrey.com
 srabin@susmangodfrey.com
 sshepard@susmangodfrey.com
 afrawley@susmangodfrey.com

Amanda K. Bonn, CA Bar No. 270891
 1900 Avenue of the Stars, Suite 1400
 Los Angeles, CA 90067
 Tel.: (310) 789-3100
 abonn@susmangodfrey.com

MORGAN & MORGAN

John A. Yanchunis (admitted pro hac vice)
 Ryan J. McGee (admitted pro hac vice)
 201 N. Franklin Street, 7th Floor
 Tampa, FL 33602
 Tel.: (813) 223-5505
 jyanchunis@forthepeople.com
 rmcgee@forthepeople.com

Michael F. Ram, CA Bar No. 104805
 711 Van Ness Ave, Suite 500
 San Francisco, CA 94102
 Tel: (415) 358-6913
 mram@forthepeople.com

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all other similarly
 situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' UNOPPOSED MOTION
 FOR FINAL APPROVAL OF CLASS
 ACTION SETTLEMENT**

Judge: Hon. Yvonne Gonzalez Rogers
 Date: July 30, 2024
 Time: 2:00 p.m.
 Location: Courtroom 1 – 4th Floor

1 The parties in the above-captioned action have reached a settlement that is set forth in the
 2 parties' Settlement Agreement filed with this Court. *See* Mao Decl. Ex. 1. Presently before this
 3 Court is Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement.

4 The Court has considered all papers, evidence, and argument submitted regarding the
 5 Class Action Settlement. Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED
 6 AND DECREED as follows:

7 1. The Court GRANTS final approval of the proposed settlement.

8 2. The Court orders Google to be bound by the injunctive relief provisions set forth
 9 in the parties' Settlement Agreement. *See* Mao Decl. Ex. 1 at 7–9.

10 3. For the reasons set forth in its certification order (Dkt. 803), the Court confirms
 11 its certification of the Rule 23(b)(2) classes, which are defined as:

12 Class 1: All Chrome browser users with a Google account who accessed a non-Google
 13 website containing Google tracking or advertising code using such browser and who
 14 were (a) in "Incognito mode" on that browser and (b) were not logged into their
 15 Google account on that browser, but whose communications, including identifying
 information and online browsing history, Google nevertheless intercepted, received,
 or collected from June 1, 2016 through the present.

16 Class 2: All Safari, Edge, and Internet Explorer users with a Google account who
 17 accessed a non-Google website containing Google tracking or advertising code using
 18 such browser and who were (a) in a "private browsing mode" on that browser and (b)
 19 were not logged into their Google account on that browser, but whose
 communications, including identifying information and online browsing history,
 Google nevertheless intercepted, received, or collected from June 1, 2016 through the
 present.

20 4. The Court finds that final approval is appropriate without preliminary approval or
 21 notice as the proposed settlement follows certification under Rule 23(b)(2) without release of any
 22 class members' monetary relief. *See Stathakos v. Columbia Sportswear Company*, 2018 WL
 23 582564, at *3 (N.D. Cal. Jan. 25, 2018) (Gonzalez Rogers, J.) (approving settlement and finding
 24 preliminary approval and notice was not required for 23(b)(2) settlement as it was purely
 25 injunctive and did not impact class members' right to seek monetary relief).

26 5. The Court finds that final approval is warranted based on the applicable *Hanlon*
 27 factors. The *Hanlon* court identified the following factors relevant to assessing a settlement

proposal: (1) the strength of the plaintiff's case; (2) the risk, expense, complexity, and likely duration of further litigation; (3) the risk of maintaining class action status throughout the trial; (4) the amount offered in settlement; (5) the extent of discovery completed and the stage of the proceeding; (6) the experience and views of counsel; (7) the presence of a government participant; and (8) the reaction of class members to the proposed settlement. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026 (9th Cir. 1998) (citation omitted). The Court has assessed each of the settlement approval factors applicable to this case and finds based on those factors that the parties' proposed settlement should be given final approval.

6. The Court further finds that final approval is warranted under Fed. R. Civ. P. 23(e)(2). First, final approval is warranted under 23(e)(2)(A) as the Court finds that the class representatives and Class Counsel adequately represented the class. *See Morrison v. Ross Stores, Inc.*, 2022 WL 17592437, at *3 (N.D. Cal. Feb. 16, 2022) (Gonzalez Rogers, J.) (granting final approval and finding that "the representative parties and class counsel have fairly and adequately represented the interests of the Class" in granting approval of an injunctive-relief-only settlement). Second, final approval is warranted under 23(e)(2)(B) as the Court finds that the parties negotiated at arm's-length. Third, final approval is warranted as the Court finds that the settlement provides substantial relief for the class under Rule 23(e)(2)(C). *See id.* at *4. Fourth, final approval is also warranted under Rule 23(e)(2)(D) as the Court finds that the settlement treats each class member equally. *See id.* at *5; *see also In re Google LLC St. View Elec. Commc'ns Litig.*, 611 F. Supp. 3d 872, 895 (N.D. Cal. 2020), *aff'd sub nom. In re Google Inc. St. View Elec. Comm'ns Litig.*, 21 F.4th 1102 (9th Cir. 2021) (granting final approval where each member benefited equally from the injunctive relief).

IT IS SO ORDERED.

DATED: _____

Honorable Yvonne Gonzalez Rogers
United States District Judge